



Exhibit 1



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation**

**Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88**

The Honorable Shira A. Scheindlin

This Document Relates To:

City of Fresno v. Chevron U.S.A. Inc., et al.,
Case No. 04 Civ. 04973 (SAS)

**PLAINTIFF CITY OF FRESNO'S SUPPLEMENTAL RESPONSES TO TESORO
CORPORATION'S AND TESORO REFINING AND MARKETING COMPANY'S
FIRST SET OF INTERROGATORIES TO PLAINTIFF CITY OF FRESNO**

Plaintiff City of Fresno ("City" or "Fresno"), by and through its attorneys, Miller, Axline & Sawyer, makes the following Supplemental Responses and General Objections to Tesoro Corporation's and Tesoro Refining and Marketing Company's (collectively "Tesoro") First Set of Interrogatories to Plaintiff City of Fresno ("Tesoro's Discovery").

GENERAL OBJECTIONS

1. The City objects to Tesoro's Discovery to the extent that it seeks information or documents outside the scope of discovery permissible under the Federal Rules of Civil Procedure.
2. The City objects to Tesoro's Discovery to the extent it seeks documents or information covered by the attorney-client privilege, the work product privilege, or any other applicable privilege or immunity. The City's responses are not intended as, or should be

information and to seek recovery of any such information or documents that are inadvertently produced.

10. The City's General Objections apply to each of Tesoro's Interrogatories as though restated in full therein.

RESPONSE TO INTERROGATORIES

INTERROGATORY NO. 1:

Do **You** contend that any **Tesoro Product** was delivered to any source identified in **Your** Case Management Order No. 60 source identification (*i.e.* Plaintiff City of Fresno's Amended Responses to Chevron Defendants' First Set of Interrogatories to Plaintiff, Interrogatory No. 18)?

RESPONSE TO INTERROGATORY NO. 1:

Objections: this overly broad and unduly burdensome contention interrogatory is an abuse of the discovery process (*Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007)), calls for attorney work-product, calls for the premature disclosure of expert consultant opinion and opinion testimony. Plaintiff incorporates the general objections. Subject to and without waiving its objections, plaintiff responds as follows:

Yes.

INTERROGATORY NO. 2:

If **Your** response to Interrogatory No. 1 is anything other than an unqualified "no,"

a. state the name and address of each source that **You** contend **Tesoro Product** was delivered to,

b. for each source that **You** contend **Tesoro Product** was delivered to, state **All** facts that support **Your** contention that **Tesoro Product** was delivered to the source,

c. **Identify All Documents** that support **Your** response to part b of this Interrogatory, and

d. **Identify All Persons** with knowledge of the facts set forth in **Your** response to part b of this Interrogatory.

RESPONSE TO INTERROGATORY NO. 2:

Objections: this overly broad and unduly burdensome contention interrogatory is an abuse of the discovery process (*Lucero v. Valdez*, 240 F.R.D. 591, 594 (D.N.M. 2007)), calls for attorney work-product, calls for the premature disclosure of expert consultant opinion and opinion testimony. Plaintiff incorporates the general objections. Subject to and without waiving its objections, plaintiff responds as follows:

4205 East Butler

A jobber to the station was Buford Oil Company, who still currently acts as a jobber. (Palwinder Singh, 22: 14-24.) Buford delivered Tesoro branded gasoline. (Palwinder Singh, 168: 6-10.)

5785 North 1st Street

Tesoro's Amended Responses to 1st Rogs, Rog #1: Tesoro sold gasoline to Total, for Total to resell to the station located at 5785 North 1st Street.

Tesoro produced documents relating to Total Energy jobber records for this station (TES-FRESNO-000001 to TES_FRESNO-000137).

2809 South Chestnut

Tesoro's Responses to 1st Rogs, Rog #5: lists Red Triangle as a jobber.

2139 South Elm

Tesoro sold millions of gallons of gasoline to Southern Counties Oil Company, d.b.a. Total Energy Products. (Tesoro Defendants' Amended Objections and Response to Plaintiff City of Fresno's First Set of Interrogatories to Defendants (May 17, 2011), at p. 3; TES-FRESNO-000001 to TES-FRESNO-000023.)

Total Energy Products had authority to supply Tesoro branded fuels to stations in Fresno. (TES-FRESNO-000072 to TES-FRESNO-000073.)

Tesoro supplied gasoline to Southern Counties Oil Company at the Kinder Morgan Terminal in Fresno during 1995-1996 and 1999-2003. (Lists of jobbers provided by the Tesoro defendants for the *City of Merced Redevelopment Agency* case and this case; Tesoro Defendants' Response to Plaintiff City of Fresno's First Set of Interrogatories to Defendants (Nov. 7, 2008), at Response to Interrogatory No. 5.)

Tesoro's sales to jobbers were delivered FOB at truck rack terminals. (Tesoro Defendants' Response to Plaintiff City of Fresno's First Set of Interrogatories to Defendants (Nov. 7, 2008), at Response to Interrogatory No. 5; Deposition of Robert G. Mills in the *South Tahoe* case (July 1, 1999), at p. 14:1-23.)

Total Energy supplied gasoline to the station at 2139 South Elm. (Imtiaz Ahmad, p. 25:3-6; Shirley McMurphy Ahmad, pp. 16:19-17:8.)

2929 North Blackstone

Tesoro sold millions of gallons of gasoline to Southern Counties Oil Company, d.b.a. Total Energy Products. (Tesoro Defendants' Amended Objections and Response to Plaintiff City of Fresno's First Set of Interrogatories to Defendants (May 17, 2011), at p. 3; TES-FRESNO-000001 to TES-FRESNO-000023.)

Total Energy Products had authority to supply Tesoro branded fuels to stations in Fresno. (TES-FRESNO-000072 to TES-FRESNO-000073.)

Tesoro supplied gasoline to Southern Counties Oil Company at the Kinder Morgan Terminal in Fresno during 1995-1996 and 1999-2003. (Lists of jobbers provided by the Tesoro defendants for the *City of Merced Redevelopment Agency* case and this case; Tesoro Defendants' Response to Plaintiff City of Fresno's First Set of Interrogatories to Defendants (Nov. 7, 2008), at Response to Interrogatory No. 5.)

Tesoro's sales to jobbers were delivered FOB at truck rack terminals. (Tesoro Defendants' Response to Plaintiff City of Fresno's First Set of Interrogatories to Defendants (Nov. 7, 2008), at Response to Interrogatory No. 5; Deposition of Robert G. Mills in the *South Tahoe* case (July 1, 1999), at p. 14:1-23.)

Total Energy supplied gasoline to the station at 2929 North Blackstone. (Baldir Singh, pp. 46:16-17, 46:20-47:6, 47:9-10, 49:13-15, 49:18; Baldev Singh Sandhu, pp. 31:18-21, 33:6-8.)

INTERROGATORY NO. 3:

For each source identified in **Your** Case Management Order No. 60 source identification (i.e. Plaintiff City of Fresno's Amended Responses to Chevron Defendants' First Set of Interrogatories to Plaintiff, Interrogatory No. 18),

- a. state the approximate date or dates on which **You** contend each alleged **Release** of **Product** occurred from the source,
- b. state **All** facts that support **Your** response to part a of this Interrogatory,
- c. **Identify All Documents** that support **Your** response to part b of this

information, including information encompassed by the attorney-client and attorney work product privileges (including documents prepared by litigation consultants). The City objects to the extent this interrogatory asks for information subject to the deliberative privilege. The City further objects that first awareness of groundwater contamination at defendants' sites is not relevant because it does not necessarily demonstrate appreciable harm to the City's interests and property. Plaintiff incorporates the general objections. Subject to and without waiving its objections, plaintiff responds as follows:

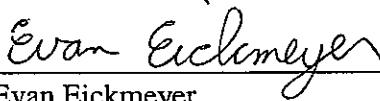
a., b., and c. As to 4205 East Butler, 5785 North 1st Street, 2809 South Chestnut, 2139 South Elm, and 2929 North Blackstone:

Without waiving objections, in responding to this Interrogatory, the City performed a diligent search and reasonable inquiry, but because of the volume of records, the City cannot exclude the possibility that there is additional information bearing on the question.

After filing suit in 2004, the City obtained hydrogeologic and environmental data from the County of Fresno and Regional Water Quality Control Board regarding potential sources of MTBE contamination in the vicinity of several water supply wells that had detections of MTBE. The primary individual involved in this effort was Brock Buche. In this review of documents, the City obtained information that releases occurred at the sites identified in the City's Response to Interrogatory No. 2.

Dated: November 14, 2012

By:



Evan Eickmeyer
Miller, Axline & Sawyer
1050 Fulton Avenue, Suite 100
Sacramento, CA 95825-4225
Telephone: (916) 488-6688
Attorneys for Plaintiff



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW
YORK**

**In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability
Litigation**

MDL No. 1358 (SAS)

This Document Relates To:

*City of Fresno v. Chevron, U.S.A., Inc.,
et al.*
04 Civ. 04973

**DEFENDANTS TESORO CORPORATION
(F/K/A TESORO PETROLEUM
CORPORATION) AND TESORO
REFINING AND MARKETING
COMPANY'S (ERRONEOUSLY NAMED AS
TESORO REFINING AND MARKETING
COMPANY, INC.) RESPONSE TO
PLAINTIFF CITY OF FRESNO'S FIRST
SET OF INTERROGATORIES TO
DEFENDANTS**

**DEFENDANTS TESORO CORPORATION (F/K/A TESORO PETROLEUM
CORPORATION) AND TESORO REFINING AND MARKETING COMPANY'S
(ERRONEOUSLY NAMED AS TESORO REFINING AND MARKETING COMPANY,
INC.) RESPONSE TO PLAINTIFF CITY OF FRESNO'S FIRST SET OF
INTERROGATORIES TO DEFENDANTS**

Defendants Tesoro Corporation (f/k/a Tesoro Petroleum Corporation) and Tesoro Refining and Marketing Company's (erroneously named as Tesoro Refining and Marketing Company, Inc.) (collectively, "Tesoro"), by and through counsel and pursuant to the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York, hereby respond to Plaintiff's First Set of Interrogatories to Defendants ("Interrogatories") as follows:

PRELIMINARY STATEMENT

The information that would assist in preparing responses to the Interrogatories is generally unavailable for periods prior to the early 1990s and in some instances, 1999. Although some relevant computerized information may be available for prior periods, it is contained on a computer system that is no longer used by Tesoro nor is readily accessible. As Tesoro no longer

INTERROGATORY NO. 5:

IDENTIFY all jobbers, franchisees and/or distributors to whom YOU supplied MTBE gasoline within the RELEVANT GEOGRAPHIC AREA since 1979.

a. State the dates that YOU supplied MTBE gasoline to each jobber, franchisee, and/or distributor that YOU identified.

RESPONSE TO INTERROGATORY NO. 5:

In addition to its General Objections, which are incorporated herein as if set forth in full, Tesoro objects to this interrogatory on the ground that it is overbroad with respect to time, as the Court's CMO No. 4 limits discovery to 1986, and MTBE was phased out of gasoline sold in California no later than December 31, 2003. Tesoro further objects on the grounds that this interrogatory seeks information not relevant to the subject matter of this case and not reasonably calculated to lead to the discovery of admissible evidence.

Tesoro also objects to this interrogatory on the ground of the attorney-client privilege to the extent that it seeks disclosure of information which refers to, relates to or contains confidential communications between attorney and client. Tesoro also objects to this interrogatory on the ground of the attorney-work product doctrine to the extent that it seeks disclosure of information which refers to, relates to or contains research, investigations or analysis prepared under the supervision and/or direction of Tesoro's attorneys in the anticipation of or in preparation for litigation.

Tesoro further objects to the defined terms "IDENTIFY" and "YOU" on the grounds that they deviate from or purport to impose requirements other than or in addition to those required by Local Civil Rule 26.3, and therefore, this interrogatory is vague and ambiguous, burdensome, overbroad, and seeks information not relevant to the allegations asserted in Plaintiff's complaint.

Tesoro also objects to this interrogatory on the ground that it is compound in that it contains two separate and distinct requests.

Subject to and without waiving the foregoing objections, Tesoro responds as follows:

Tesoro's sales to jobbers are delivered FOB at truck rack terminals. Accordingly, Tesoro cannot confirm whether the gasoline containing MTBE, provided by Tesoro to jobbers, was delivered to the RELEVANT GEOGRAPHIC AREA between 1986 and December 31, 2003.

Nonetheless, based upon available electronic data, between 1993 and 2003 Tesoro has identified the following jobbers that Tesoro supplied gasoline to that could have been supplied to the RELEVANT GEOGRAPHIC AREA.

Customer Name	Years
Ace Oil company	2000
Alliance Petroleum	2002, 2002, 2003
Bay Area/Diablo Petroleum Co	1995, 1999, 2000, 2001, 2002, 2003
Beneto, Inc.	1993, 1995, 1998, 1999, 2000, 2001, 2002, 2003
Blackburn Oil Company	2002
Buford Oil Co., Inc.	1995, 1996, 1998, 1999, 2000, 2001, 2002, 2003
C. P. Phelps	1999, 2000, 2001, 2002, 2003
C.L. Bryant, Inc.	1999, 2000, 2001, 2002, 2003
Chases Foothill Petroleum	1999, 2000, 2001, 2002, 2003
Chevron Products Company	2002
Circle K Stores, Inc.	1993, 1995
Citgo Petroleum Corp.	1993
Curtesy Oil Co., Inc.	2003

Customer Name	Years
Darling Oil & Tire	1993, 1995
Dassell Petroleum, Inc.	1999, 2000, 2001, 2002, 2003
Don Rose Oil Company	1995, 1998, 1999, 2000, 2001, 2002, 2003
E. R. Vine & Sons, Inc.	1999, 2000, 2001, 2003
El Monte Gas	1995
Equilon Enterprises, LLC	2001, 2002
Exxon Mobil Oil Corporation	2002
Falcon Fuels, Inc.	1993, 2000, 2001, 2002, 2003
Fleet Card Fuels	2002, 2003
Guthrie Petroleum, Inc.	1995, 1996
Inter-City Petroleum Marketers, Inc.	1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003
Inter-State Oil Company	1999, 2002, 2003
ITL Inc.	2003
J. A. Fischer, Inc.	2001, 2002, 2003
J. B. Dewar, Inc.	2003
J. C. Lansdowne, Inc.	1995, 1999, 2000, 2001, 2002, 2003
Jaco Oil Co.	1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003
Joe Gomes & Sons	1995, 1998, 1999, 2000, 2001, 2002, 2003
Julien Oil Company, Inc.	1995, 1996, 1999, 2000, 2001, 2002, 2003
Leon H. Bartlett, Inc.	1999, 2000, 2001, 2002, 2003
Love's Travel Stops & Country Store	2003
McCormix Corp.	2003

Customer Name	Years
Mobil Oil Corporation	2001
Mock Resources, Inc.	1995
Nella Oil Company, Inc.	2002, 2003
Nicoletti Oil, Inc.	2002, 2003
Pazin & Myers, Inc.	2003
Petro Diamond Incorporated	1999, 2000, 2001, 2002, 2003
Petroleum Traders Corporation	2000, 2001
Pilot Travel Centers, LLC	2000, 2001, 2002, 2003
Pinnacle Petroleum, Inc.	1999, 2000, 2001, 2002, 2003
Porter Villa Market	2002
R. M. Parks	1999, 2000, 2001, 2002, 2003
Rathmann Oil Company	1995, 1999, 2000, 2001, 2002, 2003
Red Triangle Oil Company	2002, 2003
Rhodes, Inc.	1993, 1994, 1995, 1996, 1998, 1999, 2000, 2001, 2002, 2003
River City Petroleum	1995, 1996, 2001
RM Parks	1993, 1995, 1996, 1998, 1999
Robert V. Jensen, Inc.	1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003
Roche Oil	2001, 2002, 2003
Ron Lee Oil Sales	1994
Safeway, Inc.	2002, 2003
Seibert's Oil Company, Inc.	2000, 2001, 2002, 2003
Sierra Cascade Buyers Group, Inc.	2001, 2002, 2003

Customer Name	Years
Silvas Oil Co., Inc.	1993, 1994, 1995, 1999, 2000, 2001, 2002, 2003
Silveira Petroleum, Inc.	2001, 2002, 2003
Southern Counties Oil Co., Ltd.	1995, 1996, 1999, 2000, 2001, 2002, 2003
Stan Boyette & Son, Inc.	1999, 2000, 2001, 2002, 2003
Tesei Petroleum, Inc.	1994, 1995, 1999, 2000, 2001, 2002, 2003
The Roe Oil Company Trust of 1990	2001, 2002
The Soco Group, Inc.	1999, 2000, 2001,
Tom R. Ward, Inc.	1994, 1995, 1999, 2000, 2001, 2002, 2003
Toms Sierra Co.	2000, 2001
Toro Petroleum	2003
Tower Energy Group	2003
Truckers Oil Company	2001, 2002, 2003
Truman Arnold Companies	1999, 2001, 2002, 2003
Union Oil Co.	1996
USA Petroleum Corporation	1999, 2000, 2001, 2002, 2003
Valero Marketing & Supply, Co.	2002, 2003
Valley Oil Company	1998
Valley Pacific Petroleum Services	2003
Visa Petroleum, Inc.	1993, 1994, 1995, 1999, 2000, 2001, 2002, 2003
West Hills Oil, Inc.	1995, 1996, 1999, 2000, 2001, 2002, 2003
Westport Petroleum, Inc.	1997
William P. Roe dba Roe Oil Company	1995

Customer Name	Years
World Fuel Services, Inc.	2003

Starting in July 2002 and continuing in 2003, Tesoro also provided gasoline product to the Costco sites located in the City of Fresno.

INTERROGATORY NO. 6:

IDENTIFY each refinery that YOU own or owned which provided MTBE gasoline to the RELEVANT GEOGRAPHIC AREA since 1979.

- a. State the dates of ownership for each refinery YOU identified;
- b. State the dates that YOU added MTBE to gasoline manufactured by each refinery YOU identified; and
- c. IDENTIFY each entity which supplied MTBE to each refinery YOU identified.

RESPONSE TO INTERROGATORY NO. 6:

In addition to its General Objections, which are incorporated herein as if set forth in full, Tesoro objects to this interrogatory on the ground that it is overbroad with respect to time, as the Court's CMO No. 4 limits discovery to 1986, and MTBE was phased out of gasoline sold in California no later than December 31, 2003. Tesoro further objects on the grounds that this interrogatory seeks information not relevant to the subject matter of this case and not reasonably calculated to lead to the discovery of admissible evidence.

Tesoro further objects to this interrogatory on the grounds that the undefined terms "provided" and "supplied" are vague, ambiguous and unintelligible, in that it fails to describe with specificity or reasonably particularize the information requested, and is thus overbroad, unduly burdensome and oppressive, and not reasonably calculated to lead to the discovery of admissible evidence. Tesoro further objects to the defined terms "IDENTIFY" and "YOU" on

Subject to and without waiving the foregoing objections, Tesoro responds as follows:

Not applicable. Tesoro has not owned or operated underground storage tanks within the
RELEVANT GEOGRAPHIC AREA between 1986 and December 31, 2003.

DATED: November 7, 2008

BINGHAM McCUTCHEN LLP

By: 

Colleen P. Doyle (CD 0745)

colleen.doyle@bingham.com

Allyson T. Sakai (AS 8849)

allyson.sakai@bingham.com

BINGHAM McCUTCHEN LLP

355 South Grand Avenue, Suite 4400

Los Angeles, CA 90071-3106

Telephone: (213) 680-6400

Facsimile: (213) 680-6499

**ATTORNEYS FOR DEFENDANTS
TESORO CORPORATION (F/K/A TESORO
PETROLEUM CORPORATION) AND
TESORO REFINING AND MARKETING
COMPANY (ERRONEOUSLY NAMED AS
TESORO REFINING AND MARKETING
COMPANY, INC.)**

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

Feb 24 2011
5:03PM

UNITED STATES DISTRICT COURT

for the

Central District of California

City of Fresno

Plaintiff

v.

Chevron U.S.A

Defendant

Civil Action No. 04 Civ. 4973 (SAS) MDL 1358

(If the action is pending in another district, state where:

Southern District of New York)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Custodian of Records, Southern Counties Oil Co., c/o Robert Bollar (Agent for SOP), 1800 W. Katella Ave., #400,
Orange, CA 92867☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

SEE ATTACHED

Place: Southern Counties Oil Co. 1800 W. Katella Ave., Suite 400 Orange, CA 92867	Date and Time: 03/17/2011 9:30 am
---	--

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 02/18/2011

CLERK OF COURT

OR

Evan Eickmeyer

Evan Eickmeyer

Attorney's signature

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) City of Fresno
, who issues or requests this subpoena, are:

Evan Eickmeyer, SBN 166652

Miller, Axline & Sawyer

1050 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225, Telephone (916) 488-6688

ATTACHMENT

1. All invoices from 1984 to 2003 concerning the SITES. (SITE(S) means the following locations in Fresno, California:

3645 East Olive Avenue;
2397 Chestnut Avenue;
4591 East Belmont Avenue;
1625 North Chestnut Avenue;
3767 South Golden State Blvd.;
30 Divisadero Street;
3996 North Parkway Drive;
5785 North 1st Street;
4569 East Florence Avenue;
1703 West Olive Avenue;
4594 East Tulare Avenue;
4205 East Butler Avenue;
4090 South Chestnut Avenue;
2394 South Elm Avenue;
4602 East Church Avenue;
2809 South Chestnut Avenue;
1014 East Bullard Avenue;
3217 East Lorena Avenue;
5756 North 1st Street;
1605 North Cedar Avenue;
101 North Roosevelt Avenue;
2139 South Elm Avenue;
2740 North Van Ness Boulevard;
225 North H Street.)

2. All DOCUMENTS which mention, concern, or refer to the supplier of gasoline which was delivered from 1984 to 2003 to the SITE(S). ("DOCUMENTS" means all writings as defined by Evidence Code section 250, as well as any recorded, magnetic, or electronic matter of any kind whatsoever (including, without limitation, electronic, audio, and/or video recordings, and material for computer use), however produced or reproduced, coded, or stored.)

3. All DOCUMENTS which mention, concern, or refer to the refiner of gasoline which was delivered from 1984 to 2003 to the SITE(S).

4. All DOCUMENTS which mention, concern, or refer to any agreement to supply gasoline to YOU from a terminal which was used to supply gasoline to the SITE(S), at any time between 1984 and 2003.

5. All Bills of Lading which mention, concern, or refer to any delivery of gasoline from 1984 to 2003 for the SITE(S).
6. All Highway Transportation Receipts which mention, concern, or refer to any delivery of gasoline from 1984 to 2003 for the SITE(S).
7. All Freight Bills or Shipping Orders which mention, concern, or refer to any delivery of gasoline from 1984 to 2003 for the SITE(S).